

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | |
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| -v- | : | 18cr201 (DLC) |
| | : | |
| MUFTAU ADAMU, | : | <u>ORDER</u> |
| | : | |
| Defendant. | : | |
| | : | |
| ----- | X | |

DENISE COTE, District Judge:

In February 2019, Muftau Adamu entered a plea of guilty to conspiracy to commit wire fraud in violation of 18 U.S.C. §§ 1343, 1349. On June 7, 2019, Adamu was sentenced principally to a term of 51 months' imprisonment. Adamu is thirty-two years old. He is currently incarcerated at the Metropolitan Detention Center ("MDC"). The Bureau of Prisons ("BOP") projects that he will be released in February 2023.

On July 22, 2020, Adamu made a request for compassionate release to the warden of his facility; the request was denied on August 4. In a motion filed on December 15, Adamu requests compassionate release by this Court pursuant to 18 U.S.C. § 3582(c)(1)(A).

Once a petitioner fulfills the statutory exhaustion requirement, the Court may reduce the petitioner's sentence, if after consideration of the factors set forth in 18 U.S.C. § 3553(a) it finds that "extraordinary and compelling reasons"

warrant such a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). As the Court of Appeals for the Second Circuit has explained, in the wake of the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with “independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling.” United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted).

Adamu’s motion is denied. Adamu’s petition rests on the risk of contracting COVID-19 at MDC. He does not maintain that he suffers from a medical condition that puts him at a higher risk of serious complications should he become infected with COVID-19.¹ Nor does he contend that he is in an at-risk age cohort. Adamu has therefore failed to demonstrate that extraordinary and compelling circumstances exist. Moreover, consideration of the § 3553(a) factors do not support the substantial reduction in his term of imprisonment that Adamu seeks. Accordingly, it is hereby

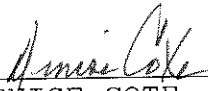
ORDERED that the December 15 petition pursuant to §

¹ Adamu’s request to his warden, which is appended to his petition, complains of “chest pains and allergies.” These conditions are not the basis for the current motion. Nor would they be by themselves sufficient to grant Adamu the relief he seeks.

3582(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
December 18, 2020



DENISE COTE
United States District Judge